

09 620, 820

PTO/SB/06 (08-03)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(b))	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

RATE	FEE
	\$
X \$	=
X \$	=
+ \$	=
TOTAL	

OR

OR

OR

OR

OR

RATE	FEE
	\$
X \$	=
X \$	=
+ \$	=
TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(e))	17	20	=
Independent (37 CFR 1.16(b))	3	3	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI- TIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

OR

OR

OR

OR

RATE	ADDI- TIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(e))	17	20	=
Independent (37 CFR 1.16(b))	3	3	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI- TIONAL FEE
X \$	=
X \$ 100	= 200
+ \$	=
TOTAL ADD'L FEE	200

OR

OR

OR

OR

RATE	ADDI- TIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(e))			=
Independent (37 CFR 1.16(b))			=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI- TIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

OR

OR

OR

OR

RATE	ADDI- TIONAL FEE
X \$	=
X \$	=
+ \$	=
TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

2.



IFU 1636

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Signature and Deposit: May 17, 2006

Sara D. Vinarov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alan D. Attie
Donald L. Gillian-Daniel
Paul W. Bates

Date: May 17, 2006

Serial No.: 09/620,820

Group Art Unit: 1636

Filed: July 21, 2000

Examiner: Celine X. Qian

Title: INHIBITION OF LIPOPROTEIN SECRETION

File No.: 960296.97290

RESPONSE

MAIL STOP AMENDMENT
Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated January 23, 2006, the applicants respond herewith as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begins on page 6 of this paper.

Application No.: 09/620,820
Amendment dated May 17, 2006
Reply to Office Action of January 23, 2006

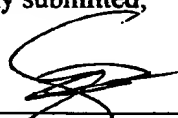
domains for the ER were known before, whether or not this level of localization would be sufficient to locate the LDL receptor, where it could interact with apoB, was unknown. It was not clear at all if the ER was the right place in the secretion pathway for trapping apoB. Despite, any lack of suggestion for the literature, applicants identified an inventive route of delivery and demonstrated that it was effective in lowering serum cholesterol in mammals. This was a highly specific result.

In summary, applicants submit that the combination of the uncertainty arising in general with techniques of genetic engineering, and the uncertainty inherent in dealing with a complex biological system such as cholesterol secretion, makes it unpredictable that the method described by the applicants here would actually work. Thus, there was no motivation or reasonable expectation that combining the cited documents would be successful in advance of applicants' claimed invention.

Accordingly, applicants respectfully request that in view of the supplemental Declaration and comments, the rejection be respectfully reconsidered and withdrawn, and that a timely Notice of Allowance be issued in this case.

A petition for a one-month extension of time is enclosed. No other fees are believed due in regard to this submission. If any other fee is due or any other extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to the Deposit Account No. 17-0055.

Respectfully submitted,



Sara D. Vinarov
Reg. No. 48,524
Attorney for Applicants
QUARLES & BRADY LLP
P.O. Box 2113
Madison, WI 53701-2113

TEL (608) 251-5000
FAX (608) 251-9166